

E-FILED on 9/7/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL ARIKAT AND PASIMA
ARIKAT,

Plaintiffs,

v.

JP MORGAN CHASE & CO.; LOWE'S HIW,
INC.; MACY'S DEPARTMENT STORES,
INC.; MBNA MARKETING SYSTEMS, INC.;
MIDCOAST CREDIT CORP.; DISCOVER
FINANCIAL SERVICES, INC.; HOME
DEPOT U.S.A., INC.; SEARS, ROEBUCK
AND CO.; WELLS FARGO FINANCIAL
CALIFORNIA, INC.; FAIR ISAAC
CORPORATION; TRANS UNION LLC;
EQUIFAX INC.; EXPERIAN SERVICES
CORP.

Defendants.

No. C-06-00330 RMW

ORDER REGARDING PLAINTIFFS'
SEPTEMBER 4, 2006 *EX PARTE*
APPLICATION TO CONTINUE HEARING

[Re Docket No. 130]


Plaintiffs seek by *ex parte* application to continue the hearing date for motions to dismiss filed by six of the named defendants¹ currently set for September 8, 2006. Plaintiffs merely seeks continuance for "at least a week" and does not suggest any alternative dates. In addition, it is clear

¹ Defendants Home Depot U.S.A., Inc.; Sears, Roebuck and Co.; Fair Isaac Corporation; Macy's Department Stores, Inc., Lowe's HIW, Inc.; and Discover Financial Services, Inc.

1 that the parties have not conferred regarding a mutually suitable alternative date.² Defendant Trans
2 Union LLC's motion to dismiss plaintiffs' First Amended Complaint is currently noticed and set for
3 October 6, 2006.

4 The court hereby sets the new hearing date for defendants Home Depot, Sears, Fair Isaac,
5 Macy's, Lowe's, and Discover's motions to dismiss for October 6, 2006. The court assumes that the
6 October 6, 2006 motion hearing date has been cleared at least as to plaintiffs (and Trans Union).
7 The court will not continue the motion hearing date again absent a mutually agreed upon date by the
8 parties.

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10 DATED: 9/6/06



RONALD M. WHYTE
United States District Judge

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27 ² It is unclear whether plaintiffs first contacted the moving defendants regarding the
28 request for continuance. Plaintiffs filed a similar *ex parte* application for continuance of the
previous hearing date where, as here, the parties do not provide any agreed upon alternative dates.

1 **Notice of this document has been electronically sent to:**

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14 Counsel are responsible for distributing copies of this document to co-counsel that have not
15 registered for e-filing under the court's CM/ECF program.

16 **Dated:** 9/7/06 SPT
17 **Chambers of Judge Whyte**